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C O N F I D E N T I A L SECTION 01 OF 02 VATICAN 000563

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DEPT FOR EUR/WE LARREA; DRL/IRF KELLY

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TAGS: I2 PHUM PREL PGOV KIRF VT

SUBJECT: VATICAN EMPHASIZES CONCERN ON RELIGIOUS FREEDOM IN IRAQ

REF: A) VATICAN 539; B) KELLY-MARTIN EMAILS, DEC 2, ET AL.

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CLASSIFIED BY: Peter Martin, Pol/Econ Chief, Vatican, State.

REASON: 1.4 (b), (d)

Summary

¶1. (C) Holy See Country Director for Iraq Coppola told us shortly before the recent Iraqi elections that the Vatican remained very concerned about the religious freedom provisions of the new Iraqi Constitution. His main concern was the well-known clause that states that no law can be passed that is repugnant to Islam. Coppola was unmoved by our points on the Constitution's guarantee of religious freedom for all, and the several crucial and positive points on the subject in the document. He said that the repugnancy clause created grave difficulties for religious freedom since Shari'a is clearly opposed to these principles. Both Coppola and a top official from the Pontifical Council for Religious Relations with Muslims cautioned against "compromising on religious freedom." In confidence, Coppola told Poloff he had been disappointed by what he regarded as a dismissive tone in the reply to the Vatican diplomatic note to the Secretary on the subject. End summary.

Vatican Concerned

¶2. (C) Holy See Country Director for Iraq Monsignor Franco Coppola told us shortly before the recent Iraqi elections that the Vatican remained very concerned about the religious freedom provisions of the new Iraqi Constitution. He referred in particular to the well-known repugnancy clause of Article Two, which states that no law can contradict (be repugnant to) the established provisions of Islam. Iraqi Chaldean Patriarch Emanuel III Delly had also recently raised concern over this clause with the Ambassador (ref a).

Positive Points Emphasized

¶3. (SBU) In our meeting with Coppola we used points from ref (b), noting that the final version of the constitution guaranteed religious freedom for all individuals, and that it makes Islam "a" basic source of legislation, as opposed to

earlier drafts that stated Islam would be "the" sole source of legislation. With regard to the repugnancy clause, we emphasized that the final version included important counterbalancing language that stated that no law could contradict the established provisions of Islam, the "principles of democracy" and the "rights and basic freedoms stipulated in this constitution."

Islamic Law All Too Clear

¶4. (C) Coppola was unmoved. "The problem is that Islamic law is not ambiguous - it's very clear," he said. If you convert to a different religion, for example, Shari'a calls for the death penalty, he insisted. In a meeting with Monsignor Khaled Akasheh, Secretary of the Holy See's Commission for Relations with Muslims, the issue came up again. Although he acknowledged the need for Iraqi political parties to compromise when moving forward politically, Akasheh maintained that there had to be limits. "You just can't compromise on religious freedom," he said. In the meetings with both Coppola and Akasheh we emphasized as per ref (a) that the critical test of the religious freedom provisions would be in the Constitution's implementation and interpretation.

Response to Diplomatic Note Found Lacking

¶5. (C) In confidence, Coppola raised the issue of a August 8, 2005 diplomatic note sent by the Holy See to the Secretary on the religious freedom issue in Iraq. Though he did not belabor the point, Coppola said he had found EUR's August 12 response somewhat dismissive. It was unclear if Papal Nuncio Archbishop Montalvo's being received at the Assistant Secretary level played any role in Coppola's reaction, but we have heard from other sources that the nunciature thought Montalvo should have been received at a higher level.

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Comment

¶6. (C) The religious freedom issue will continue to preoccupy the Holy See as the democratic process moves forward in Iraq. Post appreciates points we have received from DRL/IRF and elsewhere in the Department as we reassure the Vatican of the USG's commitment to the issue.

ROONEY